

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Arthur Albano	Team: Squad #10	CCRB Case #: 201610008	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 11/28/2016 9:00 PM	Location of Incident: 18 East 198th Street	Precinct: 52	18 Mo. SOL 5/28/2018	EO SOL 5/28/2018	
Date/Time CV Reported Tue, 11/29/2016 7:20 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 12/05/2016 3:04 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Frank Aliffi	00234	939856	052 PCT
2. An Officer			052 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Marvin Pinnock	14029	959900	052 PCT
2. POM Ricardo Roman	04023	954291	052 PCT
3. POM Azarias Salas	17419	959187	052 PCT
4. POM Salvator Maida	03768	942104	052 PCT
5. POM Edward Barrett	09973	956415	052 PCT
6. POF Michelle Brown	01452	956461	052 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An Officer	Force: An Officer used physical force against § 87(2)(b)	
B. SGT Frank Aliffi	Abuse: Sergeant Frank Aliffi authorized the removal of § 87(2)(b) to the Hospital.	
§ 87(2)(g), § 87(4-b)		

Case Summary

On November 29, 2016, § 87(2)(b) filed this complaint via phone with the NYPD's Internal Affairs Bureau (IAB), on December 5, 2016, the complaint was forwarded to the Civilian Complaint Review Board (CCRB) under original log number 16-42131.

On November 28, 2017, § 87(2)(b)'s mother, § 87(2)(b) got into an argument over § 87(2)(b) buying too many gallons of water for himself. § 87(2)(b) then left the apartment and called 911. About 20 minutes later, § 87(2)(b) heard a ring at the apartment's front door, and saw that it was his mother. § 87(2)(b) opened the front door and then saw a large group of officers also inside the hallway. § 87(2)(b) only opened the door partially and one of the officers, § 87(2)(b) was not sure which one, pushed the door fully open and came inside, followed by a large number of officers. § 87(2)(b) estimated that about 20 officers all entered his apartment and formed a circle around him.

§ 87(2)(b) was then, without provocation, allegedly punched three times in the right temple by an unidentified officer (**Allegation A**). Four other officers, § 87(2)(b) could not see who then grabbed his arms and placed them behind his back and handcuffed him. § 87(2)(b) did not resist, and the officers then sat § 87(2)(b) on his living room couch. § 87(2)(b) tried to explain to the officers that he didn't do anything other than buy 8 gallons of water and that he did not want to go to § 87(2)(b) Hospital. § 87(2)(b) was then escorted out of his house and into an ambulance, without additional incident (**Allegation B**). § 87(2)(b) was taken to § 87(2)(b) Hospital in the Bronx and was injected with Haldol, an anti-psychotic medication. § 87(2)(g), § 87(4-

§ 87(2)(b) stated that his head was bleeding from having been punched, but he did not receive any treatment for his injuries. § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

A total of seven officers were then interviewed in regards to this case.

Mediation, Civil and Criminal Histories

- § 87(2)(b), § 87(2)(g)
- On May 18, 2017, a notice of claim inquiry was sent to the Comptroller's office, a response to this inquiry will be included in the case file upon its receipt.
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- Sgt. Frank Aliffi has been a member of the service for 11 years and has had four prior CCRB complaints filed against him, containing 13 allegations. None of the allegations filed against Sgt. Aliffi has been substantiated. § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) stated that twenty officers entered his apartment during this incident, and one of the twenty officers, whom he did not know the name of, emerged from a crowd of officers, punched him three times in his temple, and then went back into the crowd. He described this officer to be 5'2" to 5'4" tall, 150-170-lbs white male with an athletic build, black hair, dark brown eyes, in his late 20s or 30s. Although he provided this description, § 87(2)(b) stated that he did not get a good look at him because there were so many officers present and he only saw the subject officer for a brief moment.

The investigation identified a total of seven officers that responded to this job, through the EVENT summary (Board Review 02) and officer interviews (Board Review 03- 09). On May 23, 2017, § 87(2)(b) was presented with single photographs of the seven identified officers (Board Review 10). § 87(2)(b) was unable to identify any of the officers as being present during this incident, much less the officer that punched him. § 87(2)(b) was unable to even identify the officers that he named in his initial phone statement and CCRB interview (PO Pinnock, PO Roman, Sgt. Afilli), with whom he stated he had a several minute long interaction.

All officers interviewed denied punching § 87(2)(b) or seeing any officer punch § 87(2)(b) at any point during this incident.

Since § 87(2)(b) was unable to identify any of the officers present for this incident, and all officers denied having seen anyone punch § 87(2)(b) the investigation was unable to determine the identity of the officer that allegedly punched § 87(2)(b). Therefore **Allegation A** will be pleaded against "An Officer"

Allegation A - Force: An Officer used physical force against § 87(2)(b)

§ 87(2)(b) alleged that when officers began placing him in handcuffs, one officer, punched § 87(2)(b) three times, in succession, to his temple (Board Review 11). § 87(2)(b) stated that while she was in the room when § 87(2)(b) was placed in handcuffs, she did not see any officer strike § 87(2)(b) in any way. However, § 87(2)(b) also stated that due to her being a shorter woman, she was unable to see past the officers that were in front of her to see any force that may have been used against § 87(2)(b) (Board Review 12).

There was no note in § 87(2)(b)'s medical records that indicated he sustained any physical injuries, and there is no note that he complained of being punched to medical personnel. Additionally, § 87(2)(b) had no signs of a facial injury when he was interviewed by the CCRB on December 27, 2017 (Privileged Documents: Medical Records).

Sgt. Allifi, PO Marvin Pinnock, PO Ricardo Roman, PO Azarias Salas, PO Salvator Maida, PO Edward Barrett, PO Michelle Brown were all interviewed in regards to this incident

(Board Review 03-09). All officers were consistent that § 87(2)(b) was never punched by any officer at any point during this incident. They also all denied seeing any visible injuries on § 87(2)(b) or that § 87(2)(b) had complained of any physical injury, or having been punched by any officer.

PO Pinnock (Board Review 08) PO Maida (Board Review 09) and PO Roman (Board Review 04) were the only officers that testified to making physical contact with § 87(2)(b). They were all consistent that § 87(2)(b) had verbally protested being taken to the hospital at first, and was compliant with initially putting his hands behind his back. When the officers then tried to put his hands in handcuffs, § 87(2)(b) started to physically resist by not allowing officers to pull his hands together. The officers were all consistent however, that they overcame this resistance solely by pulling at § 87(2)(b)'s arms, and they did not strike him or make any physical contact with his head or face.

§ 87(2)(b), § 87(2)(g)

Allegation B- Abuse of Authority- Sgt. Frank Aliffi authorized the removal of § 87(2)(b) to the hospital.

While § 87(2)(b) stated that he was taken to the hospital for simply buying too many bottles of water, it is undisputed that § 87(2)(b)'s mother, § 87(2)(b) informed the 911 operator as well as the police on the scene that § 87(2)(b) had failed to take his psychological medication, and was acting aggressively towards her. § 87(2)(b) stated that the officers needed to take § 87(2)(b) to the hospital. § 87(2)(b) also admitted that he did not take his prescribed medication, and had not for some time.

According to Sgt. Aliffi (Board Review 03), he arrived on the scene after § 87(2)(b) was already in handcuffs, and calm. He stated his decision to take § 87(2)(b) to the hospital was based mostly on his conversation with § 87(2)(b) who informed him about the nature of § 87(2)(b)'s medication, and the fact that he had not been taking them. Sgt. Aliffi did not recall at the time of his interview what the specific medication § 87(2)(b) had been taking, or how long he had been off his medication, but stated that factored into his decision to take § 87(2)(b) to the hospital.

§ 87(2)(b), § 87(2)(g)

NYPD Patrol Guide Procedure 221-13 defines an Emotionally Disturbed Person as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others (Board Review 13).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

[REDACTED]

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date